

ATTACHMENT A

Remarks

By this Amendment, independent claims 1, 17, 30 and 31 have been amended to better define the invention and avoid the cited prior art. It is submitted that the present application is in condition for allowance for the following reasons.

In the outstanding final action, independent claims 1, 17, 30 and 31, as well as various dependent claims as noted, were all rejected under 35 USC § 103 as being unpatentable over Colley or Born in view of the Lobb. However, for the following reasons, it is submitted that these independent claims are allowable over these combinations of references.

The disclosures of Colley and Born have been previously discussed. The final rejection is directed to the disclosure of these references in view of the noted teachings of Lobb which are discussed extensively. These Remarks are thus directed primarily to the teachings of Lobb, and how the presently amended independent claims avoid the teachings of this reference and are allowable over the combinations of references as noted above.

The Examiner's contention is that Lobb teaches an input unit that is GPS tracked, and that this means that the location of a data input unit is ascertained by GPS and hence need not be entered "during said sport or game". However, Lobb discloses a GPS receiver provided in a portable device to be carried by the player, so that the location of the player can be plotted on touchscreen display 130. The player can

therefore view his position (and, by implication, that of the ball) on the course by inspecting the touchscreen display.

However, this constitutes entering the location data into the respective data input means during the sport or game, as the GPS does not (and cannot) provide location data pertinent to each phase of play (or hole) to the data input device before commencement of play. Clearly in Lobb this done in real time during play, so location data can only be provided during play. Claims 1, 17, 30 and 31 have therefore been amended to more clearly define the feature that the location data need not be provided to the respective data input means/terminals by or on behalf of a respective participant/player during the sport or game.

In addition, the Examiner contends that the system of Lobb knows what hole is being played by exploiting an implicit relationship between hole and latitude/longitude, the latter being fixed for any particular hole. However, such an implicit relationship only holds for some sports or games. Indeed, even in golf circumstances arise where this simply does not apply. For example, some teeing grounds or areas have multiple tees, each for a different hole, and on some courses (including the well-known St. Andrews course in Scotland), a single green can include more than one hole. It is also a simple matter to envisage other sports or games in which different phases would overlap such that geographic location would be insufficient to identify which phase is current. Thus, to the resolution of a GPS receiver Lobb will in some cases be incapable of determining which hole is being played.

Thus, it is submitted that the provision of each data input means or terminal with location data in terms of the phases or hole does indeed distinguish the present invention as claimed from all the cited prior art, whether taken alone or in combination.

In addition, claim 1 is herewith amended to recite that "a participant in said sport or game can play or progress through said phases in any order without providing said location data to said respective data input means during said sport or game." This feature is essentially an implication of the provision of the location data to the data input means or terminals in the manner already defined, and hence supported by the application as filed, but one that is not disclosed by any of the cited art. Claims 17, 30 and 31 are amended in comparable terms. Thus, even if one accepts that, in Lobb, one may commence play at any hole (as the Examiner contends), figure 6 makes it clear that - whatever hole is taken to be the starting hole - as the player progresses each subsequent hole is merely taken to be the increment of the previous hole, since step 540 merely states "increment hole count"; Lobb does not determine (by GPS or otherwise) the identity of the actual next hole. Further, from column 10 line 9 it is stated that the hole count is incremented at step 540 "and the routine loops back to step 502", hence bypassing step 500 for all holes after the starting hole. Hence, the only way in which each next hole is identified is by the assumption that it is the increment of the previous hole.

Clearly, therefore, the system of Lobb will incorrectly identify the "next" hole if the player does not proceed around a course in the prescribed manner. The present invention, on the other hand, does not rely on any such assumed sequence of play, nor on any assumed correspondence between phase of play (such as hole) and

latitude/longitude. Hence, since latitude and longitude do not necessarily uniquely identify a phase of play (such as a hole) and since, in any event, Lobb merely assumes (and does not determine) the identity of subsequent holes, it is submitted that claims 1, 17, 30 and 31 as herewith amended are additionally not taught by any combination of the cited art.

It is submitted that the present claims as amended are therefore novel and inventive over the cited art, so that the present application is now in condition for allowance.